

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 01-208
Table of Allotments,)	RM-10205
Digital Television Broadcast Stations.)		
(Harrisburg, Pennsylvania))	

COMMENTS

NBC Subsidiary (WCAU-TV), L.P., licensee of NTSC television station WCAU(TV), and permittee of WCAU-DT, Philadelphia, Pennsylvania, hereby submits its comments in response to the above-captioned Notice of Proposed Rule Making ("NPRM"). The NPRM proposes to substitute Channel 10 for Channel 57 as the DTV allotment for Station WHTM-TV, Harrisburg, Pennsylvania. NBC has no objection to the proposed channel substitution, provided that such action is conditioned so as to preserve the ability of WCAU to operate its post-transition DTV station on Channel 10 with the maximized facilities necessary to provide an acceptable DTV service to Philadelphia and the surrounding area.

NBC is the licensee of WCAU-TV, Philadelphia, which presently operates on NTSC Channel 10. WCAU's DTV channel allotment is Channel 67, a channel that will not be retained for TV use after the DTV transition. As the Commission has

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noted, virtually all stations in WCAU's position are expected to return to their in-core channels for their post-transition DTV operations,¹ and, indeed, that is NBC's present intention with respect to WCAU. Moreover, NBC believes that a "maximized" DTV facility will be absolutely essential if WCAU-DT is to be able to provide a DTV service receivable throughout the Philadelphia market, which is both extensive in size and includes many high rise buildings in densely populated urban areas. At WCAU's present antenna height, a maximized WCAU-DT Channel 10 station would operate with an effective radiated power of 18.3 kw.

It does not appear at this point that a WHTM-DT station operating on Channel 10 would create impermissible interference to a Channel 10 WCAU-DT operation, even on the assumption that WCAU-DT's facilities were maximized at an effective radiated power of 18.3 kw. It also does not appear that a maximized WCAU Channel 10 DTV station would cause interference to the proposed Channel 10 WHTM-DT operation that would affect 2% or more of the population within the WHTM-DT protected service contour. Such interference would thus be considered de minimus under present Section 73.623(c)(2) of the Rules.² There remains the possibility, however, that such interference as might be caused by a maximized WCAU-DT Channel 10 operation could, in combination with interference caused by other post-transition stations operating on the same or adjacent channels, cause the cumulative population that would receive interference within WHTM-DT's

¹ "We presume that, except in extraordinary circumstances, stations that have one in-core and one out-of-core channel will remain on their in-core channel after the transition." Report and Order and Further Notice of Proposed Rule Making in MM Docket No. 00-39, *Review of the Commission's Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 5946 (2001), par. 16.

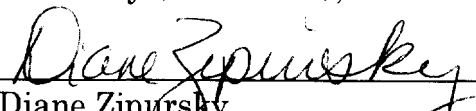
² 47 CFR Sec. 73.623(c)(2).

protected contour to exceed 10%. That would violate the other prong of Section 73.623(c)(2). It is not possible at this point to determine whether such cumulative interference may come to exist in the future, because it is not yet possible to know the post-transition DTV channels that will be elected by other television stations or that might be assigned to other stations in any channel "repacking" the Commission may undertake.

Because maximized WCAU-DT facilities will be essential to provide an adequate DTV service to the Philadelphia market, the Commission should make no DTV channel allotment changes now that could foreclose such an operation by WCAU-DT in the future. Accordingly, NBC respectfully requests that if the Commission determines that a Channel 10 DTV allotment for WHTM-DT would otherwise be in the public interest, any such allotment should be conditioned to provide that WHTM-DT must accept any separate or cumulative interference that may in the future be caused by a maximized WCAU-DT operation. Such a condition would serve the public interest by insuring that WCAU-DT will in the future be able to operate with facilities sufficient to provide acceptable DTV service to the large and diverse Philadelphia market.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Martha Shiles, of National Broadcasting Company, Inc., do hereby certify that copies of the foregoing "Comments" were served by First Class United States mail or by FEDEX on this 24th day of October, 2001, to the following:

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